

**THE MEETING MINUTES OF THE COLLEGE COUNCIL  
COLLEGE OF ARTS AND LETTERS  
March 30, 2011  
3:30 pm  
McKenna Hall Auditorium**

**ATTENDANCE**

Deans:

*Dean:* John McGreevy; *Associate Deans:* JoAnn DellaNeva, Maura Ryan, Dayle Seidenspinner-Núñez, *Assistant Deans:* Paulette Curtis, Ava Preacher, Nicholas Russo, Joseph Stanfiel, Vicki Toumayan

Chairpersons and Directors: Matt Ashley, Theodore Cachey, Jr., Olivia Remie Constable, Donald Crafton, Li Guo, Richard Jensen, Louis MacKenzie, Peter McQuillan, Rory McVeigh, Thomas Noble, John Sitter

Elected Faculty: Tobias Boes, Laura Carlson, Noreen Deane-Moran, Jean Dibble, Joshua Diehl, Richard Donnelly, Margot Fassler, Robert Fishman, Mary Frandsen, Liangyan Ge, Patrick Griffin, Nelson Mark, Michael Pries, James Sullivan, David Thomas, Julie Turner, John Welle

Graduate Student Representative: Brandon Bruning, Eleanor Pettus

Undergraduate Student Representative: Malcolm Phelan

Regularly Invited Guests, Observers, and Resource People: Robert Becht (Office of the Dean), Marie Blakey (Office of the Dean), Martine DeRidder (Hesburgh Program in Public Service), Richard Gray (Center for Creative Computing), Matt Zyniewicz (Office of the Dean)

Excused: Charlie Barber, Richard Cross, Patrick Griffin, Sandra Gustafson, Peter Holland, Bridget Mullins, Daniel Myers, Jessica Payne, Allison Rice, Kristin Valentino, Hannelore Weber

Dean John McGreevy called the meeting to order at 3:34 pm.

**APPROVAL OF MINUTES**

Dean McGreevy welcomed everyone to the March 30, 2011 College Council meeting.

The minutes from the February 14, 2010 College Council meeting were approved with one correction. Matt Ashley (Chairperson, Department of Theology) noted that he had stated rather than asked that there is academic credit connected to the service learning program (page 4, paragraph 1).

**COLLEGE BUSINESS**

**Retirement policy for tenure-line faculty**

Dean McGreevy welcomed Maureen Wildey (Benefits Program Manager, Office of Human Resources) and introduced the topic. About two years ago, Provost Tom Burish approached the deans stating that we need a consistent retirement policy across the University. There has not been an official retirement policy to date. Research ensued, benchmarking done by professionals in our Office of Human Resources in conversation with other universities' Offices of Human Resources, which led to the proposal before the Council for their consideration. M. Wildey will talk about the distinctive features of the proposal. This is an information session for the College, so that the University can gather feedback concerning the policy.

M. Wildey discussed some of the details of the proposed retirement policy for tenure-line faculty. The Faculty Retirement Transition Program (FRTTP) is completely voluntary. It is an attractive policy because it would ensure some consistency and some parity for retirement benefits for T & R faculty across the University.

In terms of the timeline for the proposal indicates that from February to April 2011, the proposal has been open for discussion across the University, with the expectation that the University will finalize and announce the program in May 2011, and with an effective date of July 1, 2012. There is a one-year period of hiatus in order to comply with Age Discrimination Employment Act (ADEA) that indicates that when an institution announces such a program for T & R faculty, the institution must allow for a one-year hiatus from announcing the program to when it will be effective. There will not be any individual retirement agreements during that one-year period (July 1, 2011 to June 30, 2012).

By way of background, M. Wildey stated that the Office of Human Resources has studied retirement arrangements at other AAU schools over the past few years, analyzing the ages at which they offered their transition program, and components of their program.

Peer benchmarks included:

	<b>Age Criteria</b>	<b>Years of service</b>
Brown	66-68	15
Dartmouth	59-67	15
Penn	60-69	Rule of 75
Princeton	65-69	
Stanford	60-69	15
Vanderbilt	62-65	15
Washington University	55	Rule of 75
Yale	62-70	15

Those who are eligible for the plan include only teaching and research faculty who are tenured, have at least 10 years of continuous, full-time service at the university immediately prior to the date of retirement (approved leaves count toward continuous service), and have attained the age of 65. The retirement date must be no later than the conclusion of the academic year in which the faculty member attains the age of 70.

The FRTTP includes two options: (1) a one-time, lump sum payment equivalent to the faculty member's annual base salary; (2) annual base salary and full, regular faculty benefits for two consecutive academic years, during which the teaching schedule or academic responsibilities would be one-half of the typical schedule. The lump sum option is the annual base salary as of July 1 preceding the date of retirement, The retirement dates are June 30 (end of the academic year) or December 31 (end of the fall semester). Those in the FRTTP would be eligible for all the regular benefits extended to University faculty retirees at retirement. Those who wish to take part in the program must submit written notice to the Dean no later than January 1 immediately preceding the date the faculty member will retire, and a written retirement agreement must be signed prior to the date of retirement.

M. Wildey explained the retiree benefits that are also on the Human Resources website. The benefits include medical, life, long term care, auto and homeowner insurance, and other. See the following website for more information about retirement benefits, as well as about surviving spouse benefits (<http://hr.nd.edu/benefits/retiree-insurance/>).

The two-year salary option would follow the regular process by which faculty salaries are set at the University and subject to applicable tax withholdings and deductions for benefits. Similar to the lump sum option, the two dates for retirement would be June 30 (end of the academic year) or December 31 (end of the fall semester) after the two-year arrangement. Participants in this option would be eligible for all regular benefits extended to University faculty retirees at retirement. This option also requires written notice to the dean no later than January 1 immediately preceding the start of the two-year period of a one-half teaching schedule. The written retirement agreement would need to be signed prior to the start of the two-year period.

What would constitute a loss of FRTP benefit? If death of the faculty member occurs prior to retirement, the payments would stop, and the deceased faculty member's surviving spouse will be entitled to the University's Widows' and Widowers' Benefits. If someone were to become disabled, the faculty member must pursue any disability payments to which s/he may be entitled, and, if qualified, any payments due under the FRTP will be reduced by the amount of long-term disability payments. Voluntary resignation, termination, and removal for cause would also be reasons for loss of FRTP.

The Special Rules provision is a little complex, but essentially provides certain faculty with a limited opportunity to participate in the program in select circumstances, with regard to the effective date or their years of service is that the faculty member turns age 65 but does not have 10 years of service, or a faculty member has the 10 years of service but age is beyond the time frame in the program.

Procedures to participate in the program include: an election form that is available on the website, a retirement agreement that will need to be signed prior to retirement (lump sum option) or prior to the start of the two-year salary option, and resource persons in the Office of Human Resources will be available during the period of consultation.

The Office of Human Resources encourages comments and questions during the comment period that ends April 30, 2011, and comments can be directed to [FRTP@nd.edu](mailto:FRTP@nd.edu). M. Wildey asked if there were any questions.

Robert Fishman (Department of Sociology) was interested in whether the examination of policies at our peer institutions has focused on not only the faculty age in which a program may go into effect, but also at the provision of the Notre Dame plan which would prevent or exclude individual agreements. He is confident that at least at one important, significant major university, individual agreements are still being made. There might be a rationale for maintaining at least the possibility for individual retirement agreements. For example, some individuals are teaching and researching very productively at 65 or 70 and do not want to retire. Dean McGreevy responded that it is his understanding is that once we have a University policy, Deans cannot enter individual retirement agreements, otherwise it would be perceived as some kind of discrimination. To date retirement in the College of Arts and Letters has been one-by-one, and we have had a pretty standard template for such agreements. Once the policy is changed, we will not have that flexibility.

John Welle (Department of Romance Languages and Literatures) had a question on terminology on one of the eleventh slide, where there were three categories in the last item, voluntary resignation, termination and removal. What is the difference between voluntary retirement and retirement? What is voluntary resignation? M. Wildey said that an example of voluntary resignation would be if someone decided to pursue option two in the FRTP and they were in the second year of that agreement, and they are receiving their payments over the course of the two-year period prior to retirement, but then a "life

situation” happens that perhaps makes a faculty member move away from Notre Dame. That would be an example of voluntary resignation. This is to be clarified.

Laura Carlson (Department of Psychology) wondered in what sense this is truly voluntary, in that there is no mechanism for individual agreements. What happens if a faculty member does not want to retire until age 77, what happens then? Dean McGreevy explained that one need not retire until one is 77, as the program is entirely voluntary. When one retires at the age of 77, however, one would not be eligible for the lump sum or the two-year options. The deans would not be able to make an individual agreement. To date, with some exceptions, the College had given a faculty member a year of salary at retirement. If this proposal passes, deans will not be able to give a year of salary past age 70. At that point, one is working and evaluated every year as faculty are evaluated, and when one wants to retire, one retires without the year of extra salary after age 70. L. Carlson thought that the proposal should make that clear, so that if people chose not to pursue FRTP, they would know the consequences.

Another Council member asked if this proposal was enforced, would the program preclude deals to faculty under the age of 65? Perhaps there would be a situation where there is a faculty member who is 60 or 61, for example, and it is in the University’s best interests to make a deal. Dean McGreevy believes that it would be possible to make a deal with faculty who are 65 or younger, if it is in the best interests of all involved. This is to be clarified.

John Sitter (Chairperson, Department of English) asked about the timetable of the implementation of the proposal. The comment period does not end until April 30, 2011, and there does not look like there is much time between the end of the comment period and the time when the program is finalized and announced in May 2011. There does not appear much time to make substantive changes based on the comments. This is to be clarified.

R. Fishman had two follow up questions. Are there any major universities that know of such retirement programs and prefer not to have them? And, are there any major universities with a slightly later cutoff date for coverage by the program? In short, no institution has a cutoff date after 70 years? Dean McGreevy confirmed that no institution has a cutoff date after 70 years, but could have cutoff dates earlier than 70. M. Wildey said that there were some AAU institutions that did not wish to develop such a retirement program. Dean McGreevy mentioned that the benchmarking efforts also showed a variation of the percentages of salary offered at retirement, what are to be the ages, and the years of service required to qualify.

Jean Dibble (Department of Art, Art History and Design) asked what does the rule of 75 mean? M. Wildey understands the rule of 75 is a combination of age and service. Dean McGreevy understands it as 65 years of age plus 10 years of service in the past, which would make up the rule of 75. This is to be clarified.

Associate Dean JoAnn DellaNeva (Undergraduate Dean’s Office) asked for a clarification of option 2. Do the two years begin at the age of 65 and retire at age 67, or can the two years begin at age 63 (i.e., sign an agreement and pursue the half-time option), and retire at age 65? M. Wildey observed that the overarching eligibility for the program is that the retirement date must be no later than the conclusion of the academic year in which the faculty member attains the age of 70. Dean McGreevy believes that one needs to be 65 to be eligible to even pursue the second option, and must declare by age 68 if one wishes to conclude the program by age 70 (for the second option). This is to be clarified.

Robert Becht (Sr. Director, Finance and Administration) noted that there is a hiatus of offering returning agreements beginning at the end of June 2011. Can we negotiate retirement agreements during the

year (July 1, 2011 to June 30, 2012), or does it mean retirement agreements will not go into effect during that hiatus year? Dean McGreevy understood the hiatus year still allowed retirement agreements that conform with FRTP in principle, but we are not able to make retirement agreements that do not conform to FRTP. This is to be clarified.

Rory McVeigh (Chairperson, Department of Sociology) noted that in the section "Program Features" (page 1) of the handout, it seems to read that the key is when the retirement takes place, as long as it is between 65 and 70, and so one could start the process at age 63. J. DellaNeva observed that it is a critical difference whether one can start option 2 at age 63 or age 65. This is to be clarified.

Thomas Noble (Chairperson, Department of History) mentioned that there is a statement in the handout that mentions that the University does not involve itself with tax implications. Would there be any flexibility in the timing of when a faculty member would receive the lump sum if the faculty chose option 1? In a given year, a faculty member would receive 150% of his or her salary, which would produce an enormous tax burden that year, when normally the tax burden would fall naturally to the following year. Is there an opportunity to discuss this? He further wondered if the person who collected the lump sum option, could he or she put money into his/her SRA (supplemental retirement account) or TIAA-CREF if he/she is already doing that? M. Wildey stated that a faculty member could do that within the allowable regulations. If someone is already contributing to SRA/TIAA-CREF for that calendar year, the limit for 2011 is \$16,500 plus an additional \$5500 if someone is over the age of 50 and is trying to catchup. That could change in 2012.

Donald Crafton (Chairperson, Department of Film, Television, and Theatre) mentioned that another option would be a University annuity. This is to be suggested as a possibility.

Dean McGreevy shared that the one complaint that has arisen from several people is that perhaps we need a third option, besides the lump sum option and the two-year option. The two options do not include what the University has typically offered: full-year salary and can keep his/her office while effectively on leave for the year, even though he or she is not teaching that final year. With that option, your income is the same as the prior year, yet you do not run into the tax issues. Should this third option be added to FRTP.

Matthew Ashley (Chairperson, Department of Theology) made a recommendation that we add the third option, because faculty who are directing dissertations could conclude their advising over the course of the year.

T. Noble wondered if someone pursued option 1, indicating that he or she would retire, for example, on June 30, 2014, but was not paid the lump sum until January 2015. One could then contribute to an SRA and TIAA-CREF for both calendar years (2014 and 2015). This would reduce the tax eligibility and would provide one year at 50% of salary (2014) and one year at 100% of salary (2015). M. Wildey mentioned that there is a concept of "constructive receipt", in that even if one would retire on June 30, 2014, and did not receive the lump sum until January 2015, one still needs to declare the lump sum as income for 2014, because it was available for one to claim. Because of the tax implications, the lump sum option may not be attractive to most people, but may be attractive to some.

R. Welle hopes that those who are centrally involved in the development and implementation of the proposal will consider the welfare of individuals in view of the collective welfare. A one-size-fits all solution, may cause the University to lose some really good, productive scholars prematurely. It may be in our best interests to all for some flexibility. Dean McGreevy observed that one cost of the program would be that scholars might retire whom we do not wish to retire, and remember that no one is forced

to retire. Every T & R faculty member can continue to teach and pursue research as long as they are performing well. The only question is whether or not one is going to pursue this retirement benefit. Most of our peers had younger ages for retirement; Notre Dame was a little more conservative with the limit age being 70, because the University thought that on the whole, it is less likely that scholars would like to be fully engaged and productive, in terms of attracting graduate students for example, past that age.

J. Sitter asked if there is a temporary exception for those who are 70 or over at this point. Dean McGreevy stated that if this proposal passes, anyone who is 70 or over has a year to exercise this program.

L. Carlson asked that as part of the benchmarking that was done with those schools that do not have a policy, do we know around what age their faculty were retiring? Dean McGreevy could not remember the specifics, but recalled a national survey that indicated that faculty who work at liberal arts colleges and do more teaching, retire younger. Faculty at elite research universities, such as Notre Dame, continue to work later in life.

R. Constable was taken by the third option that arose earlier in the discussion. Dean McGreevy suggested that faculty should write to the comments email as individuals if they wish the administration to consider a third option. We could have a motion to add the third option to the FRTP, not as a formal vote, but as a consultation vote. R. Constable so made a motion, with a second.

**Motion:** to add a third option to the two options already suggested. The third retirement option would be a year of leave with regular pay at full salary, keep an office, and retirement at the end of that one year. In favor: 26, Opposed, abstentions 3.

Dean McGreevy thanked M. Wildey for her presentation and participation.

### **SPF reclassification**

Dean McGreevy asked Robert Goulding (Program of Liberal Studies) and Mary Fransen (Department of Music) who is a member of the faculty affairs subcommittee of the academic council where the Special Professional Faculty (SPF) reclassification proposal began to talk about the proposal, followed by discussion and a vote on the proposal to send to the executive committee of the academic council, and perhaps then to the full academic council. R. Goulding began by rehearsing the subcommittee's grounds for proposing the change in the academic articles. The amendment is to change the description of SPF from someone primarily engaged in teaching, research or administration, to someone who is engaged in teaching, research, or creative work, thereby excluding administration. The proposal describes advising to be an administrative position, such that advisors would be excluded from the SPF classification. The change came about as the academic council considered changes in the academic articles, as the various subcommittees of the academic council are working through the academic articles piece by piece.

In order to provide a full view of the main reasons for the proposed change as described in the recommendation for review, R. Goulding stated three reasons that the subcommittee provided. The first reason is that the role of the SPF should be clearly defined, so that colleges and departments are not able to use the SPF classification as a catch-all description to bring anyone into the faculty classification, and so that there can be consistency across the colleges. The Mendoza College of Business (MCOB) was held up in the subcommittee as displaying the best practice for advising in that MCOB where all advisors are staff rather than SPFs. The second reason was that there was confusion among external and internal constituents about what the SPF classification means. In terms of the internal constituents, there was

much discussion among the subcommittee that the faculty classification was being diluted by the presence of SPFs who are advisors. There was anecdotal support for that claim; for example, one faculty member approached one of the subcommittee members stating that he felt his position as a faculty member was being undermined by the fact that there are advisors who are SPFs. Another internal anecdote was that a member of the Board of Trustees complained that he was introduced to an SPF who was neither a researcher nor a teacher, and wondered why that is the case. The external constituents report showed that other institutions were asked how are purely advisory roles filled at their respective institutions. The majority of responses from the other institutions was that those who filled the advisory roles were staff members rather than faculty members. This benchmarking did not address the matter that DUSs in the College of Science and the College of Arts and Letters combine their advisory roles with other roles. The third point is that the primary responsibility of all faculty should be teaching, research or creative work, the criterion that was used throughout the deliberations. One question that was raised several times was what does that mean numerically, percentage wise? The number that was given to the committee from John Affleck Graves was that faculty SPF should be engaged in 80% of some combination of teaching, research and/or creative activity, and at most their job description should be 20% administration. If their job description exceeds 20%, then the position should be classified henceforth as staff rather than SPF.

Assistant Dean Joe Stanfield asked if R. Goulding or M. Frandsen could elaborate a little more on the faculty member who thought that he was undermined in his functioning as a faculty member because of the SPF faculty status? R. Goulding stated that the nature of the undermining was that he felt his/her position as a faculty member at Notre Dame was losing its value by the presence of administrators who share the classification of faculty. R. Goulding did not know what the faculty member meant by that comment, but the rationale in the comment seemed to have a good deal of weight in the subcommittee's deliberations and the resolution to amend the articles.

M. Ashley stated that one of the issues is that the SPF has become a catch-all category. Is there numerical data besides anecdotal evidence concerning what percentage of current SPFs need to be considered for reclassification, as they do not conform even to the existing definition of a faculty member. Is this an isolated concern? R. Goulding believes that it is an isolated concern. He does not think that there is wide-spread misuse of the classification. At one point it may have been a concern, where many SPF were appointed but now would be appointed as a staff member. He does not think there is any evidence beyond anecdotal evidence.

Joshua Diehl (Department of Psychology) asked if there would be a financial benefit to the University to have either immediately or possibly in the future hires in terms of this change. Will salaries be reduced, for example, as a result of this change? Dean McGreevy does not think that the University will gain financially as a result of this change. We hire SPF, faculty and staff at salaries all across the spectrum. R. Goulding raised this precise question of what does the University gain financially from this change. He did not hear from anyone that this would be a cost-saving action. He also asked the question would those who hold the positions that are reclassified be materially affected by the change, and the response was that no one would face a salary decrease or loss of any benefits.

R. Constable asked if a certain number of people are currently faculty would become staff is it envisioned what percentage would become exempt and non-exempt, because it would be a big shock for someone to change from faculty to non-exempt staff. There is a difference in pension benefits between non-exempt staff and faculty. R. Becht could not imagine someone's position changing from faculty status to non-exempt status, knowing all the SPF positions we have across the College. If the SPFs were ever converted to staff, the positions would be converted to an exempt role. Every faculty and

staff role has to fit into a federal labor guideline, which by definition all faculty are in exempt roles. Dean McGreevy recalls that current SPF whose position would be reclassified would be given the option as to whether they wish to remain as SPF classification or change to a staff classification.

T. Noble stated that it seems prejudicial to suggest that our shared responsibility as advisors is considered administrative. If it is administrative because it does not correspond to what happens in MCOB, then perhaps there is an issue for MCOB to consider. Is our advising of graduate students administrative work? Is our work with students on their dissertations administrative work? R. Goulding believes that the advisory position at MCOB is much more about making sure people have the right number of credits and assuring that students are fulfilling the degree requirements. There seemed to be a feeling in the subcommittee that advising should be that neat everywhere, where advising is viewed as the enforcement of a set of regulations throughout the University.

L. Carlson read on the bottom of page one of the proposal that the subcommittee recommends that additional committees be set up to assess the classification of library faculty and the classification of research faculty. Why were those positions separated out in kind? What impact will the proposal have on those later discussions? Do the additional committees meet first, and the entire proposal is passed later? M. Frandsen said that the subcommittee thought that the proposal should cover all the issues in total, but all the pieces seem to be big enough pieces to be addressed separately. There seems to be energy from at least one quarter to look seriously at library faculty as faculty. L. Carlson is concerned that if this proposal passes first, then that action might have consequences for the discussions about library faculty and research faculty.

Assistant Dean Nick Russo asked if the subcommittee is aware of the fact that both the First Year of Studies (FYS) and the College of Arts and Letters espouses at least in theory that the best advisors are advisors that are actively engaged in teaching and research and that advising itself is a pedagogical activity and not simply checking boxes on a sheet of paper. R. Goulding did not think that the majority of the committee thought that those arguments were convincing. M. Frandsen stated that the subcommittee focused on advisors that are not teaching, more in the model of the MCOB advisors. The subcommittee took a very narrow look, and did not hear about the DUS model, for example, at least not in the meetings that she attended.

R. McVeigh asked if the message about the DUS model as not fitting the staff classification has been received by the subcommittee. R. Goulding and M. Frandsen confirmed that the message has been received. M. Frandsen mentioned that for whatever reason, the DUS model was not presented with any force to the committee. R. Goulding asked by email to the committee chair about the DUSs in Arts and Letters, because it seems that the DUSs classification was being ignored in the subcommittee's deliberations. Would DUSs in Arts and Letters be considered to have the right blend of skill and responsibilities as a faculty member. The response was that only if they are doing less than 20% of administration, otherwise their positions would change to staff positions but they could have concurrent faculty appointments in whatever department they reside. After R. Goulding sent out an email requesting feedback on the proposal, underscoring that if the recommendation passes, DUSs would change from faculty to staff positions. Now that R. Goulding has his report based on the responses, the position of DUSs is being reconsidered by the subcommittee.

Assistant Dean Paulette Curtis asked, in view of the discussion and the responses of faculty and SPF, if R. Goulding and M. Frandsen felt differently about the recommendation. The general sense among SPFs is that the initial report that may have had some merit in some aspects, was not very thoughtful. It seems that if there is to be a major change in classification, there needs to be more thought and research put

into the proposal. R. Goulding observed that there was a minority on the subcommittee that opposed the proposal. It will be interesting to see how the subcommittee responds to the feedback to the proposal, in that there has been a unanimously negative response to the proposal from all sections of the University.

Assistant Dean Ava Preacher asked about the benchmarking efforts on the issue. It seems that there are many institutions much like our institution that have many non-tenured faculty with similar roles, such as Northwestern. Colleagues across the country at elite institutions have faculty status and similar responsibilities. R. Goulding reported that the subcommittee thought that the benchmarking as inconclusive. After the proposal was distributed, there was further benchmarking with specific questions about how positions with advising-only responsibility are classified. Only one peer institution responded that those positions are faculty positions, every other institution responded that the positions are staff positions.

Martine DeRidder (Hesburgh Program in Public Service) read in proposal that a Professional Academic staff position might be created. What would that position entail? R. Goulding said that various proposals should be considered should this formal proposal to amend the academic articles pass. Some of the proposals arose in the committee because some argued that with the reclassification we would flatten distinctions among administrative staff, and so perhaps we could variegate some of the staff positions.

J. Sitter, having heard no support whatsoever for the proposal of the academic affairs subcommittee of the academic council to amend the academic articles to reclassify some SPF, proposed a motion. The College Council joins the academic affairs committee of the faculty senate in opposing the recommended change by the academic council.

In favor of the motion to oppose the proposal: 27  
Opposed of the motion to oppose the proposal: 0  
Abstentions: 2

Dean McGreevy thanked R. Goulding and M. Frandsen for their participation in the discussion.

#### **ADJOURNMENT**

The meeting adjourned at 5:00 pm.

Respectfully submitted,

Matthew C. Zyniewicz  
Executive Assistant to the Dean